

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the drawings as originally filed, for example, in FIGS. 5, 6A, 6B, 8, and 11A-12B, and in the specification as originally filed, for example, on page 12, line 15 through page 13, line 18, page 26, line 1-28, and page 31, lines 12-25. As such, no new matter has been introduced.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 83, 85, 86, 88-90, 92-94, and 96-103 under 35 U.S.C. §103(a) as being unpatentable over LaPointe et al. (U.S. Patent No. 6,678,669; hereinafter LaPointe) in view of Portwood et al. (U.S. Patent No. 5,959,630; hereinafter Portwood) has been obviated by amendment and should be withdrawn.

LaPointe concerns method for selecting medical and biochemical diagnostic tests using neural network-related applications (Title of LaPointe). Portwood concerns a system and method for improving compliance of a medical regimen (Title of Portwood).

In contrast, claim 83 of the presently claimed invention provides a method for generating groups of individuals useful in researching influence of a disease on said individuals, comprising (i) transmitting a computer program containing queries and predefined response choices to the communications apparatus, where the computer program when executed causes the communications apparatus to present the queries and predefined response choices to each individual and collect responses to the queries including at least one of the predefined response choices from each individual and (ii) receiving the responses to the queries from the individuals through the apparatus, where the responses communicate information about the individuals. Claims 90 and 94 include similar limitations. LaPointe and Portwood do not teach or suggest each and every element of the presently claimed invention, as required for support of a conclusion of obviousness under MPEP §2143.

Specifically, the Office Action states that LaPointe does not describe either (i) transmitting a computer program containing queries to a communications apparatus, wherein the program causes the apparatus to present queries and collect responses to said queries from each individual, or (ii) a server transmitting a computer program containing queries to a communications apparatus, the program causing the apparatus to present the scripted queries to the individual and collect responses to the queries containing

information about the individual, as presently claimed (see page 5, line 20 through page 6, line 3 of the Office Action). The Office relies on Portwood to cure the deficiencies of LaPointe. However, Portwood does not disclose either (i) transmitting a computer program containing queries and predefined response choices to a communications apparatus, wherein the program causes the apparatus to present the queries and predefined response choices and collect responses to the queries including at least one of the predefined response choices, or (ii) a server transmitting a computer program containing queries and predefined response choices to a communications apparatus, where the computer program causes the apparatus to present the queries and predefined response choices to the individual and collect responses to the queries containing information about the individual and at least one of the predefined response choices, as presently claimed.

In particular, Portwood appears to only transmit messages from a central processing unit 1 to a message receiving unit 13. The message receiving unit 13 upon receiving the message is activated to call a patient's pager and deliver the message. Portwood does not appear to teach a computer program is transmitted from the central processing unit to the message receiving unit or that the message receiving unit must execute a program received from the central processing unit in order to present the message to the patient's pager. Instead, the Portwood refers a program stored

in the central processing unit to generate and transmit from a patient prescription a patient message and a receiving unit connected to the central processing unit to receive the message (see column 18, lines 15-24). Thus, Portwood does not provide the missing teaching of either (a) transmitting a computer program containing queries and predefined response choices to a communications apparatus, where the program when executed by the apparatus, causes the apparatus to (i) present the queries and predefined response choices and (ii) collect responses to the queries including at least one of the predetermined response choices, or (b) a server transmitting a computer program containing queries and predefined response choices to a communications apparatus, where the program causes the apparatus to present the queries and predefined response choices to the individual and collect responses to the queries containing information about the individual and at least one of the predetermined response choices, as presently claimed. Therefore, the combination of LaPointe and Portwood does not teach or suggest each and every element of the presently claimed invention, as required for support of a conclusion of obviousness under MPEP §2143. As such, the presently claimed invention is fully patentable over the cited reference and the rejection should be withdrawn.

Claims 85, 86, 88, 89, 92, 93, 96-103 depend, directly or indirectly, from either claim 83, 90, or 94 which are believed to

be allowable. As such, the presently claimed invention is fully patentable over the cited reference and the rejection should be withdrawn.

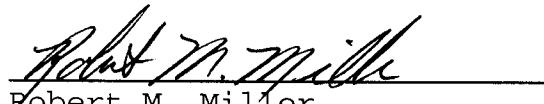
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,

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c/o Health Hero Network
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